

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, SEPTEMBER 25, 2013**

MINUTES

1. The Willmar Planning Commission met on Wednesday, September 25, 2013, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

**** Members Present:** Mark Klema, Charles Oakes, Nick Davis, Randy Czarnetzki, Scott Thaden, Andrew Engan, and Margaret Fleck.

**** Members Absent:** Gary Geiger, and Bob Poe.

**** Others Present:** Warren Erickson, Bruce Mulder, Nancy Patock, Dave Moen, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the September 11, 2013 meeting were approved with the following amendments: the motion carried with all voting aye except for Mr. Oakes voting nay.

3. PASSION PROPERTIES ASSISTED LIVING BUILDING ADDITION CONDITIONAL USE PERMIT- FILE NO. 13-05: The public hearing opened at 7:01 p.m. Warren Erickson of Energy Concepts, and Nancy Patock Housing Manager for Passion Properties, presented plans for a conditional use permit for a building addition of four additional bedrooms on the five bedroom assisted living facility on property legally described as: Lots 1, 2, and the northerly 5' of Lot 3, Trentwood Estates, Block 3 (1000 Cottonwood Dr. NE). The five bedroom facility built several years ago required plan review in the R-2 (One and Two Family Residential) and now that an additional four bedrooms enlarges the facility to require full conditional use permit review.

Mr. Erickson explained that each bedroom has its own private bathroom. The same shingles, roofline, brickwork etc. will be used on the addition to match the current structure. The site plan depicted a 6 space parking area to the north of the addition for staff and visitors. There is also an attached garage and driveway on the site. The landscaping and drainage will tie into the existing facility and the adjacent stormwater holding pond.

Ms. Patock added that 2-3 people work at the site and that will not increase with the addition and they are licensed by the State and County. The employees work on eight hour shifts and the residents do not have vehicles on site and are mostly 55 plus.

Bruce Mulder, a nearby property owner voiced concerns about the facility adding more units in the future and becoming more commercial. He was worried about the future of the property once it is sold or if this business stops operations what will the future uses of the property be.

Dave Moen, a property owner across the street, talked about his concern with the area being single family and twin homes and that this is a larger facility. He said the current property owners are great neighbors, but he is concerned on what could operate out of the facility in the future, once they add onto the structure it'd be much more difficult to revert back to a single family home. Mr. Moen suggested the applicant build on a nearby commercial lot that would have less impact on the residential area.

With no further comments from the public, the hearing was closed at 7:21 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission talked about architectural changes that could be made to have the structure look smaller, but at the same time considered some of the existing twin homes in the area are just as large. Development along Lakeland Dr. NE was discussed, staff noted that residential facilities with assisted living are not permitted in commercial areas and for example Bethesda and Rice Care are both zoned R-2.

The what if scenario's were brought up again and the Commission stated they have to act on the current request. The facility could be turned into a twin home in the future, but it is clearly designed for assisted living use. The off-street parking being planned is good to get vehicles out of the way for plowing, but again is more commercial in nature.

Mr. Oakes made a motion, seconded by Mr. Thaden, to approve the conditional use permit with the following condition:

- A. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The following affirmative findings of fact were made for the conditional use permit as per Section 9.E.3.a.1-7:

1. That the conditional use, with such conditions as the Commission shall determine and attach, conforms to the purpose and intent of this Ordinance, and is in conformity with the Comprehensive Land Use Plan of the City as assisted living facilities are permitted in the R-2 with a conditional use permit.
2. That there was no factual demonstration of a substantial/appreciable negative impact on values to properties in the neighborhood from the proposed conditional use as no testimony was given regarding assisted living facilities impact on values.
3. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community as there is no known importance to the property.
4. That the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as zoned as the development is partially developed already.
5. That adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being, provided as it's an already improved property.

6. That adequate measures have been, or will be, taken to provide ingress and egress in such a manner as to minimize traffic congestion and maximize public safety in the public streets as they have added additional off-street parking.
7. That the conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area/neighborhood as it is a slab on grade residential structure similar to other homes in the neighborhood.

The motion carried with all voting aye except for Mr. Thaden who voted nay.

4. TEXT AMENDMENT DRAFT DISCUSSION CONTINUED: The Planning Commission continued discussion regarding the possibility of amending the zoning ordinance to allow a duplex in an R-1 District with a conditional use permit and updated those that had missed previous meetings discussions. Staff drafted text as per direction from the Planning Commission that would limit an owner occupied dwelling unit plus one (1) ancillary rental unit in a single structure with at least 50% of the required off-street parking within a garage and maintaining the character of a single-family residence.

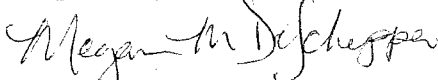
The Commission discussed at length how equitable the process would be for every applicant and as long as they met conditions and findings of fact there would be no way the Commission would be able to deny the request. The discussion led to do they wish to preserve the R-1 that exists in the community.

Ms. Fleck made a motion, seconded by Mr. Thaden, that after thorough investigation into the matter of allowing a duplex in the R-1 district as a conditional use permit the Planning Commission decided to not to pursue amending the Zoning Ordinance and leave the text as it is.

The motion carried.

5. There being no further business to come before the Commission, the meeting adjourned at 8:02 p.m.

Respectfully submitted,



Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION-SEPTEMBER 25, 2013

STAFF COMMENTS

1. PASSION PROPERTIES ASSISTED LIVING BUILDING ADDITION CONDITIONAL USE PERMIT- FILE NO. 13-05:

- Passion Properties LLC applied for a conditional use permit to add four bedrooms onto the existing five bedroom assisted living facility on property described as: lots 1, 2, and the northerly 5' of Lot 3, Trentwood Estates, Block 3 (1000 Cottonwood Dr. NE).
- The property is zoned R-2 (One and Two Family Residential). When the facility was originally built it only required plan review as it was only a five resident facility. Once additional rooms were proposed it triggered the conditional use permitting process.
- The facility is a Class F Home Care Provider. They provide services and the vast majority of their tenants are 55 plus. They have two to three staff persons on shift.
- Each bedroom has its own bathroom facility.
- The addition will be 38' x 58'.
- Setbacks for the proposed addition meet the requirements for the planned unit development conditional use permit.
- The elevation drawings depict a building that will match the existing facility and the neighborhood aesthesis quite well.
- There is an existing driveway and garage on the site and none of the residents have vehicles. The applicant does propose adding a parking lot on the property to the north that will allow for off-street parking of staff as well as visitors.
- The site drains to the holding pond to the east.
- Landscaping will continue on the site around the addition.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. The use shall meet all applicable local, state, and federal laws and regulations at all times.